

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA and
THE STATE OF WISCONSIN,

Plaintiffs,

v.

GEORGE A. WHITING PAPER COMPANY, *et al.*

Defendants.

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) Civil Action No. 09-cv-00692
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) Hon. William C. Griesbach
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**PLAINTIFFS' MOTION TO ENTER
CONSENT DECREE
WITH DEFENDANT CITY OF DE PERE**

On September 25, 2009, the United States of America and the State of Wisconsin (collectively the "Plaintiffs") lodged with the Court a proposed Consent Decree with defendant City of De Pere ("De Pere" or "Settling Defendant"), to resolve the Settling Defendant's liability for polychlorinated biphenyl ("PCB") contamination at the Lower Fox River and Green Bay Site. The proposed Consent Decree requires De Pere to make a payment of \$210,000.

On October 8, 2009, the United States published notice of the settlement in the Federal Register and solicited public comments in accordance with the governing law. See 74 Fed. Reg. 51,878 (Oct. 8, 2009). One joint set of comments was submitted by Appleton Papers Inc. ("API") and NCR Corporation ("NCR"). After reviewing and considering the comments on the Consent Decree, the Plaintiffs have determined that the proposed settlement is fair, reasonable, and consistent with the Comprehensive Environmental Response, Compensation, and Liability

Act (“CERCLA”), 42 U.S.C. § 9601, *et seq.* The settlement was negotiated at arms-length over months. The settlement would reimburse an appropriate portion of certain CERCLA response costs and natural resource damage assessment costs incurred by the Plaintiffs and would facilitate important natural resource restoration work in the Fox River/Green Bay area. All parties to the proposed Consent Decree support entry of the Consent Decree.

Pursuant to an Order entered on September 28, 2009, De Pere has already paid \$210,000 into the Court Registry. As stated in the Order, the funds (and accrued interest) should be disbursed to the Plaintiffs upon entry of the Consent Decree.

A proposed “Order Entering Consent Decree and Authorizing Disbursements from Court Registry Account” has been submitted in conjunction with this Motion, and the United States respectfully requests that the Court enter that Order without delay.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Plaintiffs' Motion to Enter Consent Decree Defendant City of De Pere* were served on this date served via the Court's ECF filing system on all counsel of record in this matter and by first-class mail, postage prepaid, upon the following individuals:

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